

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**THOMPSON TRACTOR COMPANY,
INC.**

Plaintiff,

vs.

**J. RUSSELL FLOWERS, INC., as owner
of M/V SAFETY GLORY**

Defendant.

*
*
*
*
*
*
*
*

CASE NO. _____

NOTICE OF REMOVAL

COMES NOW J. Russell Flowers, Defendant, as owner of the M/V SAFETY GLORY, by and through undersigned counsel and pursuant to 28 U.S.C. §1441, et seq., files this, its Notice of Removal from the Circuit Court of Mobile County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, and states unto the Court as follows:

1. On or about June 10, 2010, an action was commenced in the Circuit Court of Mobile County, Alabama, and titled *Thompson Tractor Company, Inc. v. J. Russell Flowers, Inc., as owner of the M/V SAFETY GLORY*, Case No. CV-2010-9000362.00. A copy of the Complaint is attached hereto as Exhibit A.

2. Because this case is removed from the Circuit Court of Mobile County, Alabama, it is properly assigned to the Mobile Division of this Court.

3. Upon information and belief, Plaintiff, Thompson Tractor Company, Inc., is an Alabama corporation with its principal place of business located at 2401 Pinson Valley Parkway, Birmingham, Alabama 35247. Defendant, J. Russell Flowers, Inc. is a Mississippi corporation with its principal place of business in Greenville, Mississippi. Complete diversity of citizenship among the parties exists and the sum claimed in the Complaint in the amount of \$498,160.00 exceeds the requisite jurisdictional amount, exclusive of interest and costs.

4. Defendant, J. Russell Flowers, Inc. is not a citizen of the State of Alabama.

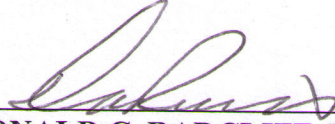
5. The first date upon which Defendant, J. Russell Flowers, Inc. received a copy of said Complaint was June 18, 2010, when J. Russell Flowers, Inc. was served with a copy of said Complaint and Summons from the Circuit Court of Mobile County, Alabama. A copy of the Affidavit of Tina Murphy relating to the date of service is attached hereto as Exhibit B. A copy of the Summons and other documents are attached hereto as Exhibit C.

6. Defendant, J. Russell Flowers, Inc., files this, its Answer and Affirmative Defenses to the Complaint concurrently herewith.

7. Defendant, J. Russell Flowers, Inc. is giving prompt, written notice of this pleading to Plaintiff and to the State Court. A copy of the written notice to the State Court is attached hereto as Exhibit D.

8. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which this Court has removal jurisdiction pursuant to 28 U.S.C. §1441, et seq., in that there is complete diversity of citizenship among the parties and the sum claimed in the Complaint exceeds the requisite jurisdictional amount, exclusive of interest and costs.

RESPECTFULLY SUBMITTED, this the 8th day of July, 2010.



DONALD C. RADCLIFF (RADCD1662)

BRADY RADCLIFF & BROWN LLP

P.O. Box 1668

Mobile, AL 36633

Telephone: 251-405-0077

Facsimile: 251-405-0076

E-mail: dradcliff@brblawyers.com

OF COUNSEL:

JOEL J. HENDERSON, MSB#2264

HENDERSON DANTONE P.A.

P.O. Box 778

Greenville, MS 38702-0778

Telephone: 662-378-3400

Facsimile: 662-378-3413

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 8th day of July, 2010, a copy of the foregoing was served electronically upon:

Alex F. Lankford, III, Esq.

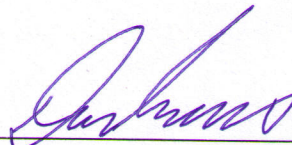
Jaime W. Betbeze, Esq.

Paul T. Beckmann, Esq.

HAND ARENDALL, LLC

P. O. Box 123

Mobile, AL 36601



DONALD C. RADCLIFF